

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

COSMOKEY SOLUTIONS GMBH & CO.)	
KG,)	
)	
Plaintiff,)	
)	
v.)	C.A. No. 18-1477-JLH
)	
DUO SECURITY, INC. n/k/a DUO)	
SECURITY LLC and CISCO SYSTEMS,)	
INC.,)	
)	
Defendants.)	

~~PROPOSED~~ ORDER ON CLAIM CONSTRUCTION

WHEREAS, a *Markman* hearing was held on April 12, 2024;

WHEREAS, the Court announced its rulings on the parties' claim construction disputes regarding U.S. Patent No. 9,246,903 ("the '903 Patent") from the bench on April 15, 2024;

NOW, THEREFORE, the Court construes the disputed terms in the '903 Patent as follows, in accordance with and for the reasons stated in the Court's April 15, 2024 ruling:

Disputed Term (Claim(s))	Court's Construction
"ensuring" (claims 1 and 2)	"executing with certainty"
"the authentication function is normally inactive and is activated by the user only preliminarily for the transaction" (claim 1)	"the authentication function is normally inactive and is locally activated at the mobile device by the user only preliminarily for the transaction"
"said response from the second communication channel includes information that the authentication function is active" (claim 1)	No construction adopted at this time.

<p>“ensuring that said response from the second communication channel includes information that the authentication function is active, and” / “thereafter ensuring that the authentication function is automatically deactivated.”</p> <p>(claim 1)</p>	<p>“ensuring that the authentication function is automatically deactivated” must occur after “ensuring that said response from the second communication channel includes information that the authentication function is active”</p>
<p>“the authentication function is automatically deactivated.”</p> <p>(claim 1)</p>	<p>“the authentication function is deactivated without user involvement”</p> <p>This construction does not preclude user involvement in activating the authentication function.</p>
<p>“location(s)”</p> <p>(claims 5 and 8)</p>	<p>“physical location(s)”</p> <p>This construction can encompass the authentication device looking at a logical address, so long as that logical address corresponds to or is associated with a physical location.</p>
<p>“predetermined spatial relationship”</p> <p>(claims 5 and 8)</p>	<p>“predetermined relationship related to the physical locations of both the terminal and mobile device”</p>

SO ORDERED this 3 day of May, 2024.


UNITED STATES DISTRICT JUDGE